**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.**

**Writ Petition No. 4629 (S/S) 2001**

Sukhbir Singh S/o Sri Jahan Singh,
Resident of Sirohi House, New Vasant Vihar,
Dehradun. .....Petitioner.

Versus

1. The State of Uttaranchal through Secretary,
   Education Department, Govt. of Uttaranchal,
   Dehradun,
2. The State of Uttar Pradesh, through Secretary,
   Education Department, Govt. of U.P.,
   Civil Secretariat, Lucknow,
3. Union of India through Secretary,
   Ministry of Agriculture, Govt. of India, New Delhi,
4. Gobind Ballabh Pand University of Agriculture &
   Technology through its Registrar,
5. Raja Balwant Singh College, Agra,
   Through it's Principal. .....Respondents.

Sri B.D. Upadhyay, learned counsel for the petitioner,
Sri N.P. Sah, learned Standing Counsel for State/respondent no.1,
Learned Standing Counsel for State of U.P./respondents no.2,
Learned Asstt. Solicitor General for Union of India/respondent no.3,
Sri Rajendra Dobhal, learned counsel for respondent no.4/University
None for respondent no.5.

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri B.D. Upadhyay, learned counsel for the petitioner, Sri N.P. Sah, learned Standing Counsel for State/respondent no.1, Learned Standing Counsel for State of U.P./respondent no.2, Learned Asstt. Solicitor General for Union of India/respondent no.3 and Sri Rajendra Dobhal, learned counsel for respondent no.4/Univiersity.

Though, a counter affidavit has been filed by the respondent no. 5, but none is present on its behalf.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

(i) A writ or writs, direction or directions, and/or order or orders in the nature of mandamus direction the respondents hereto to immediately release the post-retirement benefits of the petitioner including pension, provident fund and gratuity together with interest at the rate of 18% per annum with effect from 01.08.1999 till date of payment, and,

(ii) Any other writ or writs, direction or directions and/or order or orders in the nature deemed fit and proper in the circumstances of the case including an order awarding the costs of this petition to the petitioner and against the respondents.

The facts of the case are that the petitioner was appointed on the post Field Man in the pay-scale of Rs. 120-220 n the G.B. Pant University of agriculture and Technology, Pant Nagar, district Udham Singh Nagar vide order dated 22.11.1967. After serving in the University for a period about 4 years, the petitioner was transferred from the University to All India Coordinated Wheat Improvement project on the post of Field Man vide order dated 29.01.1971. Sometime in 1972, the Research Advisory Committee of University took a decision to abolish the cadre of Field Man in the experiment station and pursuant to the said recommendation, the University transferred the petitioner alongwoth 25 other incumbents from the Wheat Improvement Scheme to the Cost Cultivation Scheme on the post of Field Man, as the said Scheme was transferred to Raja Balwant Singh College, Agra, which is affiliated to the University of Agra. Since it was a decision of Ministry of Agriculture Govt. of India, New Delhi to transfer the

Cost Cultivation Scheme from the University to the Raja Balwant Singh College, Agra, the petitioner was transferred to Raja Balwant Singh College, Agra. The petitioner having served the aforesaid college w.e.f. 26.05.1973 retired on attaining the age of superannuation w.e.f. afternoon of 31st July 1999. After retirement, the petitioner approached to the College for getting his retirement benefits, however the same was not pad to the petitioner, therefore the petitioner was constrained to file the present writ petition.

The petitioner thereafter, approached Govt. of India for the payment of his retrial dues and the Assistant Economic Advisor (CS) Government of India, Ministry 0f Agriculture, Cost Study Section on 01.03.2001 wrote a letter to the Principal, R.B.S. College, Agra that all the officers and members of the staff deployed for implementation of the Cost Cultivation Scheme Belong to the R.B.S. College, Agra and, as such, the Rules and Regulations of that College would apply to them.

Submission of the petitioner is that he has not received pension in accordance with G.O. dated 18.01.1983, as he is being paid pension @ Rs. 292/- per month from the Employees Provident Fund Commissioner.

A counter affidavit has been filed by the Raja Balwant Singh College, Agra. In paraq-14 of the counter affidavit, the respondent has submitted that the writ petition is not maintainable at Uttaranchal High Court. The petitioner was serving in the Cost of Cultivation Scheme stationed at R.B.S. College, Agra, this Scheme is running on cent percent financed by the Ministry of Agriculture, Govt. of India and if any

retirement benefits are due that will be payable by the sponsoring agency.

Since, the petitioner has worked at the Raja Balwant Singh College, Agra from 26.05.1973 till his retirement i.e. 31st July 1999, this Court has no territorial jurisdiction to adjudicate the matter. The petitioner may approach to the Allahabad High Court for redressal of his grievances.

With these observations, the writ petition is dismissed. No order as to costs.

**(M.M. Ghildiyal, J.)**

February 20, 2007:
NCM: